

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LITHANIEL SINGLETON,

Index No.

Plaintiff(s),

-against-

**VERIFIED  
COMPLAINT**

THE CITY OF NEW YORK & P.O. THOMAS  
SLOCKBLOWER

Defendant(s).  
-----X

Plaintiff, LITHANIEL SINGLETON, as and for his Verified Complaint, by his attorney,  
STUART M. RISSOFF, herein states as follows:

**AS AND FOR A FIRST CAUSE OF ACTION**  
**(FALSE ARREST AND IMPRISONMENT)**

1. The plaintiff at all times hereinafter mentioned was and still is a resident of the County of the Bronx in the State of New York.
2. That at all times herein, defendant, THE CITY OF NEW YORK (hereinafter the "CITY"), was and still is a municipal corporation, created, organized and existing under and by virtue of the laws of the State of New York.
3. That at all times herein, defendant, CITY, operated, maintained, managed and controlled the Police Department of the City of New York.
4. That at all times herein, the Police Department of the City of New York is an agency, instrumentality, department of defendant, CITY, and/or defendant, CITY derived benefit from the activities of the Police Department of the City of New York.
5. That at all times herein, defendant CITY operated, maintained, managed and controlled the Office of the District Attorney, Bronx County.

RECEIVED  
13 MAY - 1 AM 9:27  
BRONX COUNTY CLERK

6. That the Office of the District Attorney, County of Bronx, is an agency, instrumentality, department of defendant CITY, and/or defendant CITY derived benefit from the activities of the Office of the District Attorney, County of Bronx.

7. That the plaintiff has served notice of claim, on or about February 12, 2013 in accordance with applicable statutes, on the defendant and that at least 30 days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused.

8. That the plaintiff has fully complied with defendants' demand for examination on or about April 24, 2013.

9. That this action is being commenced one year and ninety days after the happening of the event upon which the claim is based.

10. On or about January 9<sup>th</sup> 2013 at approximately 4:20 PM in the County of Bronx, New York, the plaintiff was unlawfully detained, arrested and imprisoned by agents, servants and/or employees of the defendant, CITY, who at that time was a police officer acting within the scope of his employment.

11. That the aforesaid arrest and imprisonment was malicious, unlawful and not based upon a warrant, probable cause, and/or any other justification, and was therefore a false arrest and imprisonment.

12. That defendant CITY, through its agents, servants and employees, acted in bad faith and without probable cause in committing the aforesaid arrest and imprisonment of plaintiff.

13. At the time of his unlawful arrest and imprisonment, plaintiff had not committed or attempted to commit any illegal act.

14. At the time of plaintiff's unlawful arrest and imprisonment, the defendants knew or should have known, through the exercise of proper procedure and reasonable investigation, that the aforementioned arrest and imprisonment was false and without probable cause.

15. That the aforesaid arrest and imprisonment was made with knowledge of and/or negligent and/or reckless disregard of the material falseness of the criminal complaint(s).

16. The aforesaid false arrest and imprisonment caused plaintiff to suffer severe physical injuries, emotional and psychological distress, anguish, anxiety, fear, humiliation, loss of freedom, loss of wages, legal expenses and damage to his reputation.

17. By reason of the foregoing, the defendants became liable to the plaintiff in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**(MALICIOUS PROSECUTION)**

18. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 17 of the complaint as if fully set forth herein.

19. On or about January 9, 2013, the defendant intentionally, knowingly, recklessly, negligently and with malice caused the commencement of a criminal prosecution against the plaintiff in the Criminal Court of the City of New York, County of Bronx, upon the filing of an accusatory instrument without probable cause.

20. In commencing and continuing the said malicious prosecution, defendant caused plaintiff to be falsely charged with acts in violation of the Penal Law of the State of New York.

21. The plaintiff had not committed or attempted to commit any illegal act(s).

22. The plaintiff had not given defendant, CITY, its agents, servants and/or employees, probable cause to believe that he had committed the falsely charged illegal acts.

23. The defendant knew, or should have known through the exercise of reasonable care and proper police procedure, that the said investigation into this matter was flawed and incomplete.

24. The defendant, CITY, its agents, servants and/or employees, willfully, negligently and wrongfully accused the plaintiff of having committed acts in violation of the Penal Law of the State of New York.

25. The defendant, CITY, its agents, servants and/or employees, willfully, negligently and wrongfully continued to prosecute the plaintiff for alleged violations of the Penal Law of the State of New York, even though the defendant knew or should have known of facts and circumstances that would have lead a reasonable personal to conclude that the criminal complaint, upon which said criminal prosecution was based, contained material falsehoods and was otherwise improper, and that the continued prosecution of the plaintiff was, therefore, improper under the circumstances.

26. That the criminal prosecution against plaintiff was dismissed by a Judge of the Criminal Court of the City of New York, Bronx County.

27. As a result of the malicious prosecution, the plaintiff was caused to suffer and continue to suffer severe emotional and psychological distress, anguish, anxiety, fear, humiliation, loss of wages, legal expenses and damage to his reputation.

28. By reason of the foregoing, the defendant became liable to the plaintiff in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**(ASSAULT/EXCESSIVE FORCE)**

29. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 28 of the complaint as if fully set forth herein.

30. On or about January 9, 2013 during the aforesaid arrest, detention and imprisonment of the plaintiff by defendants and other agents, servants and/or employees of defendant CITY, said defendant did intentionally, wantonly, brutally and maliciously assault and batter plaintiff, and did otherwise use excessive and unreasonable force in restraining and detaining plaintiff, without cause, provocation or justification.

31. The aforesaid assault was carried out solely to inflict physical and mental harm upon plaintiff.

32. At all times hereinafter mentioned, agents, servants and/or employees of defendant CITY, was acting within the scope of their employment, under the color of authority, and in furtherance of their employer's interest.

33. The aforementioned conduct of agents, servants and/or employees of defendant CITY, was willful and wanton and the defendant acted with reckless disregard for the consequences.

34. As a result, plaintiff was injured, internally and externally, became sick, sore, lame and disabled and was caused to suffer and still suffers severe and permanent injuries, and will continue to suffer pain and discomfort; and were caused to obtain medical care and attention in an attempt to treat the aforesaid injuries.

35. By reason of the foregoing, defendant became liable to the plaintiff in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**(INFLECTION OF EMOTIONAL DISTRESS)**

36. Plaintiff repeats and reiterates the allegations contained in paragraphs 1 through 35 of the complaint as if fully set forth herein.

37. The aforementioned acts of defendants were so outrageous, malicious and shocking that it exceeded all reasonable bounds of decency tolerated by the average member of the community.

38. Defendants acted with the desire and intent to cause plaintiff emotional distress or acted under circumstances known to them which made it substantially certain that they would cause such emotional distress.

39. Defendants intentionally, knowingly, willfully, recklessly, negligently and wrongfully caused plaintiff emotional distress or acted under circumstances known to them which made it substantially certain that they would cause such emotional distress.

40. Defendants acted with utter disregard of the consequences of their actions.

41. As a result, plaintiff was caused to suffer the infliction of emotional distress.

42. By reason of the foregoing, defendants became liable to plaintiff in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION**  
**(NEGLIGENCE)**

43. Plaintiff repeats and reiterates the allegations contained in paragraphs 1 through 42 of the complaint as if fully set forth herein.

44. The actions of defendant CITY, through its agents, servants and/or employees, heretofore described constitutes negligence in that defendant CITY negligently trained or failed to train its agents, servants, or employees.

45. The actions of defendant CITY, through its agents, servants and/or employees heretofore described constitutes negligence in that CITY negligently supervised or failed to supervise its agents, servants and/or employees.

46. The actions of defendant CITY, through its agents, servants and/or employees heretofore described constitutes negligence in that defendant CITY negligently disciplined or failed to discipline its agents, servants or employees.

47. Defendant CITY was negligent in its hiring of its agents, servants and/or employees, who defendant CITY knew, or in the course of adequate and proper investigation should have reasonably known, was unfit to hold his position.

48. Defendant CITY was negligent in its retention of its agents, servants and/or employees, who defendant CITY knew, or in the course of adequate and proper investigation should have reasonably known, was unfit to hold his position in that they refused or failed to perform within the statutory and constitutional limits of their authority and misused and abused his position.

49. That the defendants, their agents, servants and/or employees were otherwise, and in general, careless, reckless and negligent under the circumstances existing as previously described.

50. All of the causes of action his complaint are specifically excepted under C.P.L.R. Section 1602.

51. As a result of the negligence of defendant CITY and the acts of defendant, and other agents, servants and/or employees of defendant CITY, without any negligence on the part of plaintiff, plaintiff was caused to suffer severe and permanent personal injuries, pain and suffering, emotional and psychological distress, anguish, anxiety, fear, humiliation, loss of freedom, and loss of wages, legal expenses, and damage to his reputation.

52. By reason of the foregoing, defendants became liable to plaintiff in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

**AS AND FOR A SEVENTH CAUSE OF ACTION**  
**(VIOLATION OF CIVIL RIGHTS)**

53. The plaintiff repeats and reiterates paragraphs 1 through 52 of the complaint as if fully set forth herein.

54. The actions of defendant heretofore described resulting from the January 9, 2013 arrest, detention, imprisonment, assault, use of excessive force, and prosecution of the plaintiff, constitute an unlawful arrest, imprisonment, assault, use of excessive force and malicious prosecution which deprived the plaintiff of rights, privileges and immunities as guaranteed under the United States Constitution, Amendments One, Four, Five and Fourteen, the New York State Constitution, the Civil Rights Acts, 42 U.S.C. Sections 1981, 1983, 1985, 1986 and 1988 and the complained of conduct was either the result of an official policy or unofficial custom, including but not limited to, policies and customs concerning the hiring, training, supervision, retention and discipline of the defendant CITY's agents, servants and/or employees, and those involving the arrest, detention and prosecution of individuals, including and especially, those persons such the plaintiff who is a "person of color."

55. That the defendant established a custom policy and/or practice of encouraging, approving and/or tolerating the use by the New York City Police Department ("NYPD") of excessive force and acts of misconduct against civilians, and subsequent attempts to conceal such actions by failing to adequately train, supervise, and discipline its agents, employees and offices.

56. That the defendant was deliberately indifferent to the use of improper procedures in the detention and arrest of civilians, and established a custom policy and/or practice of encouraging, approving and/or tolerating the use of said improper procedures by the NYPD and subsequent attempts to conceal such actions by failing to adequately train, supervise, and discipline its agents, employees and offices.

57. The defendant has deprived the plaintiff of his liberty in violation of his civil and constitutional rights as set forth in the United States Constitution, 42 U.S.C. Section 1983 and the Constitution of the State of New York.

58. The defendant's actions were undertaken under color of law and would not have existed but for said defendant's use of their official power.

59. That the defendant conspired with each other and acted in concert to discriminate against and deprive the plaintiff of his Constitutional and Civil rights.

60. The supervisors and policy making officers of defendant CITY and its Police Department, and Office of the District Attorney, as a matter of policy, are deliberately indifferent to said practices and have failed to take steps to terminate the herein above detailed practices and have failed to discipline or otherwise properly supervise the individuals engaged in such practices.

61. The defendant CITY has failed to properly or effectively train its agents, servants and/or employees, with regard to proper constitutional and statutory limits on the exercise of their authority, and such failure continues to this day.

62. The defendant CITY has sanctioned the policy and practices hereto described through its deliberate indifference to the effect of such policy and practices upon the constitutional rights of the plaintiff and others similarly situated.

63. That the defendant's motivations were in contravention of the United States Constitution and the Constitution of the State of New York.

64. By reason of the foregoing, the plaintiff has been damaged and suffered serious and severe permanent physical injuries, emotional distress and emotional harm as a result of these deprivations of constitutional and civil rights.

65. As a result, the defendant became liable to the plaintiff in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

**AS AND FOR AN EIGHTH CAUSE OF ACTION**  
**(ATTORNEYS' FEES)**

66. The plaintiff repeats, reiterates and realleges the allegations contained in paragraphs 1 through 65 of the complaint as if fully set forth herein.

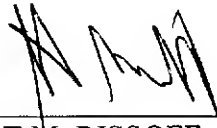
67. The actions of defendant heretofore described resulting from the January 9, 2013, arrest, detention, imprisonment, assault, use of excessive force, and prosecution of the plaintiff, constitute an unlawful arrest, imprisonment, assault, use of excessive force, and malicious prosecution which deprived the plaintiff of rights, privileges, and immunities as guaranteed under the United States Constitution, Amendments One, Four, Five and Fourteen, the New York State Constitution, the Civil Rights Acts, 42 U.S.C. Sections 1981, 1983, 1985, 1986 and 1988 and the complained of conduct was either the result of an official policy or unofficial custom, including but not limited to, policies and customs concerning the hiring, training, supervision, retention and discipline of the CITY's agents, servants and/or employees, and those involving the arrest, detention and prosecution of the individuals, such as the plaintiff.

68. That the plaintiff has incurred significant attorney's fees in the prosecution of the above referenced claims against the defendants. That in the event that the plaintiff is successful in the prosecution of the aforesaid claim(s), plaintiff shall be a prevailing party within the meaning of 42 U.S.C. Section 1988 and entitled to the recovery of said attorney's fees from the defendant.

69. As a result, the defendant became liable to the plaintiff in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

WHEREFORE, plaintiff respectfully requests judgment against the defendant in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction, together with the costs and disbursements of their action.

Dated: Garden City, New York  
April 25, 2013



---

STUART M. RISSOFF  
Attorney for Plaintiff  
300 Garden City Plaza, Suite 144  
Garden City, New York 11530  
(516) 742-9420

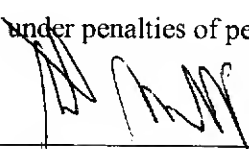
STATE OF NEW YORK       )  
COUNTY OF NASSAU       ) ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and say that: I am the attorney of record, or of counsel with the attorney(s) of record for plaintiff. I have read the annexed **SUMMONS & VERIFIED COMPLAINT** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: Statements, records and papers maintained in my file.

The reason I make this Affirmation instead of plaintiff is that they/it/he/she do(es) not reside in the County wherein deponent has his office for the practice of law.

I affirm that the foregoing statements are true under penalties of perjury.

Dated: April 25, 2013

  
\_\_\_\_\_  
STUART M. RISSOFF